

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KENNETH WILSON, AIS # 176112, :
Plaintiff, :
vs. : CIVIL ACTION 06-0111-KD-B
OFFICER KEITH ROBINSON, :
Defendant. :

ORDER

A review of the case file reflects that the Notice of Lawsuit and Request for Waiver of Service of Summons that was forwarded to Defendant Robinson was returned to the Court by prison officials. (Doc. 7). The returned envelope contains a notation that "officer's correct name was Darwin Robinson. Officer deceased." Paulette Goodwin, an official with the Holman facility, confirmed that Defendant Robinson's correct name was Darwin, as opposed to Keith, Robinson, and that he is deceased. Given that the sole Defendant is deceased, Plaintiff is **ORDERED** to advise the Court in writing, on or before **March 3, 2009**, about whether he desires to continue this litigation, and if so, his plans for litigating this action.

Plaintiff is cautioned that his failure to respond to this Order or to provide the Court with a specific plan within the prescribed time will result in the dismissal of this action for

failure to prosecute and to obey the Court's Order. Plaintiff is further cautioned that such a dismissal will effectively be with prejudice because the two-year statute of limitations would preclude him from filing suit again on this claim that occurred on January 28, 2006.

DONE this **3rd** day of **February, 2009**.

 /S/ SONJA F. BIVINS
UNITED STATES MAGISTRATE JUDGE